

**SENATE, No. 1861**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED FEBRUARY 15, 2018

**Sponsored by:**

**Senator NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Revises acreage requirement for plenary winery licenses.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning plenary winery licenses and amending  
2 R.S.33:1-10.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. R.S.33:1-10 is amended to read as follows:

8 33:1-10. Class A licenses shall be subdivided and classified as  
9 follows:

10 Plenary brewery license. 1a. The holder of this license shall be  
11 entitled, subject to rules and regulations, to brew any malt alcoholic  
12 beverages and to sell and distribute his products to wholesalers and  
13 retailers licensed in accordance with this chapter, and to sell and  
14 distribute without this State to any persons pursuant to the laws of  
15 the places of such sale and distribution, and to maintain a  
16 warehouse; provided, however, that the delivery of this product by  
17 the holder of this license to retailers licensed under this title shall be  
18 from inventory in a warehouse located in this State which is  
19 operated under a plenary brewery license. The fee for this license  
20 shall be \$10,625.

21 Limited brewery license. 1b. The holder of this license shall be  
22 entitled, subject to rules and regulations, to brew any malt alcoholic  
23 beverages in a quantity to be expressed in said license, dependent  
24 upon the following fees and not in excess of 300,000 barrels of 31  
25 fluid gallons capacity per year and to sell and distribute this product  
26 to wholesalers and retailers licensed in accordance with this  
27 chapter, and to sell and distribute without this State to any persons  
28 pursuant to the laws of the places of such sale and distribution, and  
29 to maintain a warehouse; provided, however, that the delivery of  
30 this product by the holder of this license to retailers licensed under  
31 this title shall be from inventory in a warehouse located in this State  
32 which is operated under a limited brewery license. The holder of  
33 this license shall be entitled to sell this product at retail to  
34 consumers on the licensed premises of the brewery for consumption  
35 on the premises, but only in connection with a tour of the brewery,  
36 or for consumption off the premises in a quantity of not more than  
37 15.5 fluid gallons per person, and to offer samples for sampling  
38 purposes only pursuant to an annual permit issued by the director.  
39 The holder of this license shall not sell food or operate a restaurant  
40 on the licensed premises. The fee for this license shall be graduated  
41 as follows:

42 to so brew not more than 50,000 barrels of 31 liquid gallons  
43 capacity per annum, \$1,250;

44 to so brew not more than 100,000 barrels of 31 fluid gallons  
45 capacity per annum, \$2,500;

**EXPLANATION** – Matter enclosed in bold-faced brackets [thus] in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 to so brew not more than 200,000 barrels of 31 fluid gallons  
2 capacity per annum, \$5,000;

3 to so brew not more than 300,000 barrels of 31 fluid gallons  
4 capacity per annum, \$7,500.

5 For the purposes of this subsection, "sampling" means the selling  
6 at a nominal charge or the gratuitous offering of an open container  
7 not exceeding four ounces of any malt alcoholic beverage. For the  
8 purposes of this subsection, "product" means any malt alcoholic  
9 beverage that is produced on the premises licensed under this  
10 subsection.

11 Restricted brewery license. 1c. The holder of this license shall  
12 be entitled, subject to rules and regulations, to brew any malt  
13 alcoholic beverages in a quantity to be expressed in such license not  
14 in excess of 10,000 barrels of 31 gallons capacity per year.  
15 Notwithstanding the provisions of R.S.33:1-26, the director shall  
16 issue a restricted brewery license only to a person or an entity  
17 which has identical ownership to an entity which holds a plenary  
18 retail consumption license issued pursuant to R.S.33:1-12, provided  
19 that such plenary retail consumption license is operated in  
20 conjunction with a restaurant regularly and principally used for the  
21 purpose of providing meals to its customers and having adequate  
22 kitchen and dining room facilities, and that the licensed restaurant  
23 premises is immediately adjoining the premises licensed under this  
24 subsection. The holder of this license shall be entitled to sell or  
25 deliver the product to that restaurant premises. The holder of this  
26 license also shall be entitled to sell and distribute the product to  
27 wholesalers licensed in accordance with this chapter. The fee for  
28 this license shall be \$1,250, which fee shall entitle the holder to  
29 brew up to 1,000 barrels of 31 liquid gallons per annum. The  
30 licensee also shall pay an additional \$250 for every additional 1,000  
31 barrels of 31 fluid gallons produced. The fee shall be paid at the  
32 time of application for the license, and additional payments based  
33 on barrels produced shall be paid within 60 days following the  
34 expiration of the license term upon certification by the licensee of  
35 the actual gallons brewed during the license term. No more than 10  
36 restricted brewery licenses shall be issued to a person or entity  
37 which holds an interest in a plenary retail consumption license. If  
38 the governing body of the municipality in which the licensed  
39 premises will be located should file a written objection, the director  
40 shall hold a hearing and may issue the license only if the director  
41 finds that the issuance of the license will not be contrary to the  
42 public interest. All fees related to the issuance of both licenses shall  
43 be paid in accordance with statutory law. The provisions of this  
44 subsection shall not be construed to limit or restrict the rights and  
45 privileges granted by the plenary retail consumption license held by  
46 the holder of the restricted brewery license issued pursuant to this  
47 subsection.

1 The holder of this license shall be entitled to offer samples of its  
2 product for promotional purposes at charitable or civic events off  
3 the licensed premises pursuant to an annual permit issued by the  
4 director.

5 For the purposes of this subsection, "sampling" means the selling  
6 at a nominal charge or the gratuitous offering of an open container  
7 not exceeding four ounces of any malt alcoholic beverage product.  
8 For the purposes of this subsection, "product" means any malt  
9 alcoholic beverage that is produced on the premises licensed under  
10 this subsection.

11 Plenary winery license. 2a. **【**Provided that the holder is  
12 engaged in growing and cultivating grapes or fruit used in the  
13 production of wine on at least three acres on, or adjacent to, the  
14 winery premises, the**】** The holder of this license shall be entitled,  
15 subject to rules and regulations, to produce any fermented wines,  
16 and to blend, fortify and treat wines, and to sell and distribute his  
17 products to wholesalers licensed in accordance with this chapter and  
18 to churches for religious purposes, and to sell and distribute without  
19 this State to any persons pursuant to the laws of the places of such  
20 sale and distribution, and to maintain a warehouse, **【**and to sell his  
21 products at retail to consumers on the licensed premises of the  
22 winery for consumption on or off the premises**】** and to offer  
23 samples for sampling purposes only. In the case of a holder of this  
24 license who is engaged in growing and cultivating grapes or fruit  
25 used in the production of wine on at least three acres situated within  
26 five miles of the winery premises, the holder may sell the winery's  
27 products at retail to consumers on the licensed premises of the  
28 winery for consumption on or off the premises. The fee for this  
29 license shall be \$938. A holder of this license who produces not  
30 more than 250,000 gallons per year shall also have the right to sell  
31 and distribute his products to retailers licensed in accordance with  
32 this chapter, except that the holder of this license shall not use a  
33 common carrier for such distribution. The fee for this additional  
34 privilege shall be graduated as follows: a licensee who  
35 manufactures more than 150,000 gallons, but not in excess of  
36 250,000 gallons per annum, \$1,000; a licensee who manufactures  
37 more than 100,000 gallons, but not in excess of 150,000 gallons per  
38 annum, \$500; a licensee who manufactures more than 50,000  
39 gallons, but not in excess of 100,000 gallons per annum, \$250; a  
40 licensee who manufactures 50,000 gallons or less per annum, \$100.  
41 A holder of this license who produces not more than 250,000  
42 gallons per year, and who meets the growing, cultivation, and  
43 acreage requirements set forth in this subsection, shall have the  
44 right to sell such wine at retail in original packages in 15  
45 salesrooms apart from the winery premises for consumption on or  
46 off the premises and for sampling purposes for consumption on the  
47 premises, at a fee of \$250 for each salesroom. Licensees shall not  
48 jointly control and operate salesrooms. Additionally, the holder of

1 this license who produces not more than 250,000 gallons per year  
2 may ship not more than 12 cases of wine per year, subject to  
3 regulation, to any person within or without this State over 21 years  
4 of age for personal consumption and not for resale. A case of wine  
5 shall not exceed a maximum of nine liters. A copy of the original  
6 invoice shall be available for inspection by persons authorized to  
7 enforce the alcoholic beverage laws of this State for a minimum  
8 period of three years at the licensed premises of the winery. For the  
9 purposes of this subsection, "sampling" means the selling at a  
10 nominal charge or the gratuitous offering of an open container not  
11 exceeding one and one-half ounces of any wine.

12 A holder of this license who produces not more than 250,000  
13 gallons per year shall not own, either in whole or in part, or hold,  
14 either directly or indirectly, any interest in a winery that produces  
15 more than 250,000 gallons per year. In addition, a holder of this  
16 license who produces more than 250,000 gallons per year shall not  
17 own, either in whole or in part, or hold, either directly or indirectly,  
18 any interest in a winery that produces not more than 250,000  
19 gallons per year. For the purposes of this subsection, "product"  
20 means any wine that is produced, blended, fortified, or treated by  
21 the licensee on its licensed premises situated in the State of New  
22 Jersey. For the purposes of this subsection, "wine" shall include  
23 "hard cider" and "mead" as defined in this section.

24 Farm winery license. 2b. The holder of this license shall be  
25 entitled, subject to rules and regulations, to manufacture any  
26 fermented wines and fruit juices in a quantity to be expressed in  
27 said license, dependent upon the following fees and not in excess of  
28 50,000 gallons per year and to sell and distribute his products to  
29 wholesalers and retailers licensed in accordance with this chapter  
30 and to churches for religious purposes and to sell and distribute  
31 without this State to any persons pursuant to the laws of the places  
32 of such sale and distribution, and to maintain a warehouse and to  
33 sell at retail to consumers for consumption on or off the licensed  
34 premises and to offer samples for sampling purposes only. The  
35 license shall be issued only when the winery at which such  
36 fermented wines and fruit juices are manufactured is located and  
37 constructed upon a tract of land exclusively under the control of the  
38 licensee, provided that the licensee is actively engaged in growing  
39 and cultivating an area of not less than three acres on or adjacent to  
40 the winery premises and on which are growing grape vines or fruit  
41 to be processed into wine or fruit juice; and provided, further, that  
42 for the first five years of the operation of the winery such fermented  
43 wines and fruit juices shall be manufactured from at least 51  
44 percent grapes or fruit grown in the State and that thereafter they  
45 shall be manufactured from grapes or fruit grown in this State at  
46 least to the extent required for labeling as "New Jersey Wine" under  
47 the applicable federal laws and regulations. The containers of all  
48 wine sold to consumers by such licensee shall have affixed a label

1 stating such information as shall be required by the rules and  
2 regulations of the Director of the Division of Alcoholic Beverage  
3 Control. The fee for this license shall be graduated as follows: to so  
4 manufacture between 30,000 and 50,000 gallons per annum, \$375;  
5 to so manufacture between 2,500 and 30,000 gallons per annum,  
6 \$250; to so manufacture between 1,000 and 2,500 gallons per  
7 annum, \$125; to so manufacture less than 1,000 gallons per annum,  
8 \$63. No farm winery license shall be held by the holder of a plenary  
9 winery license or be situated on a premises licensed as a plenary  
10 winery.

11 The holder of this license shall also have the right to sell and  
12 distribute his products to retailers licensed in accordance with this  
13 chapter, except that the holder of this license shall not use a  
14 common carrier for such distribution. The fee for this additional  
15 privilege shall be \$100. The holder of this license shall have the  
16 right to sell his products in original packages at retail to consumers  
17 in 15 salesrooms apart from the winery premises for consumption  
18 on or off the premises, and for sampling purposes for consumption  
19 on the premises, at a fee of \$250 for each salesroom. Licensees  
20 shall not jointly control and operate salesrooms. Additionally, the  
21 holder of this license may ship not more than 12 cases of wine per  
22 year, subject to regulation, to any person within or without this  
23 State over 21 years of age for personal consumption and not for  
24 resale. A case of wine shall not exceed a maximum of nine liters. A  
25 copy of the original invoice shall be available for inspection by  
26 persons authorized to enforce the alcoholic beverage laws of this  
27 State for a minimum period of three years at the licensed premises  
28 of the winery. For the purposes of this subsection, "sampling"  
29 means the selling at a nominal charge or the gratuitous offering of  
30 an open container not exceeding one and one-half ounces of any  
31 wine.

32 A holder of this license who produces not more than 250,000  
33 gallons per year shall not own, either in whole or in part, or hold,  
34 either directly or indirectly, any interest in a winery that produces  
35 more than 250,000 gallons per year.

36 Unless otherwise indicated, for the purposes of this subsection,  
37 with respect to farm winery licenses, "manufacture" means the  
38 vinification, aging, storage, blending, clarification, stabilization and  
39 bottling of wine or juice from New Jersey fruit to the extent  
40 required by this subsection.

41 For the purposes of this subsection, "wine" shall include "hard  
42 cider" and "mead" as defined in this section.

43 Wine blending license. 2c. The holder of this license shall  
44 be entitled, subject to rules and regulations, to blend, treat, mix, and  
45 bottle fermented wines and fruit juices with non-alcoholic  
46 beverages, and to sell and distribute his products to wholesalers and  
47 retailers licensed in accordance with this chapter, and to sell and  
48 distribute without this State to any persons pursuant to the laws of

1 the places of such sale and distribution, and to maintain a  
2 warehouse. The fee for this license shall be \$625.

3 For the purposes of this subsection, "wine" shall include "hard  
4 cider" and "mead" as defined in this section.

5 Instructional winemaking facility license. 2d. The holder of this  
6 license shall be entitled, subject to rules and regulations, to instruct  
7 persons in and provide them with the opportunity to participate  
8 directly in the process of winemaking and to directly assist such  
9 persons in the process of winemaking while in the process of  
10 instruction on the premises of the facility. The holder of this  
11 license also shall be entitled to manufacture wine on the premises  
12 not in excess of an amount of 10 percent of the wine produced  
13 annually on the premises of the facility, which shall be used only to  
14 replace quantities lost or discarded during the winemaking process,  
15 to maintain a warehouse, and to offer samples produced by persons  
16 who have received instruction in winemaking on the premises by  
17 the licensee for sampling purposes only on the licensed premises for  
18 the purpose of promoting winemaking for personal or household use  
19 or consumption. Wine produced on the premises of an instructional  
20 winemaking facility shall be used, consumed or disposed of on the  
21 facility's premises or distributed from the facility's premises to a  
22 person who has participated directly in the process of winemaking  
23 for the person's personal or household use or consumption. The  
24 holder of this license may sell mercantile items traditionally  
25 associated with winemaking and novelty wearing apparel identified  
26 with the name of the establishment licensed under the provisions of  
27 this section. The holder of this license may use the licensed  
28 premises for an event or affair, including an event or affair at which  
29 a plenary retail consumption licensee serves alcoholic beverages in  
30 compliance with all applicable statutes and regulations promulgated  
31 by the director. The fee for this license shall be \$1,000. For the  
32 purposes of this subsection, "sampling" means the gratuitous  
33 offering of an open container not exceeding one and one-half  
34 ounces of any wine.

35 For the purposes of this subsection, "wine" shall include "hard  
36 cider" and "mead" as defined in this section.

37 Out-of-State winery license. 2e. Provided that the applicant  
38 does not produce more than 250,000 gallons of wine per year, the  
39 holder of a valid winery license issued in any other state may make  
40 application to the director for this license. The holder of this license  
41 shall have the right to sell and distribute his products to wholesalers  
42 licensed in accordance with this chapter and to sell such wine at  
43 retail in original packages in 16 salesrooms apart from the winery  
44 premises for consumption on or off the premises at a fee of \$250 for  
45 each salesroom. Licensees shall not jointly control and operate  
46 salesrooms. The annual fee for this license shall be \$938. A copy  
47 of a current license issued by another state shall accompany the  
48 application. The holder of this license also shall have the right to

1 sell and distribute his products to retailers licensed in accordance  
2 with this chapter, except that the holder of this license shall not use  
3 a common carrier for such distribution. The fee for this additional  
4 privilege shall be graduated as follows: a licensee who  
5 manufactures more than 150,000 gallons, but not in excess of  
6 250,000 gallons per annum, \$1,000; a licensee who manufactures  
7 more than 100,000 gallons, but not in excess of 150,000 gallons per  
8 annum, \$500; a licensee who manufactures more than 50,000  
9 gallons, but not in excess of 100,000 gallons per annum, \$250; a  
10 licensee who manufactures 50,000 gallons or less per annum, \$100.  
11 Additionally, the holder of this license may ship not more than 12  
12 cases of wine per year, subject to regulation, to any person within or  
13 without this State over 21 years of age for personal consumption  
14 and not for resale. A case of wine shall not exceed a maximum of  
15 nine liters. A copy of the original invoice shall be available for  
16 inspection by persons authorized to enforce the alcoholic beverage  
17 laws of this State for a minimum period of three years at the  
18 licensed premises of the winery.

19 The licensee shall collect from the customer the tax due on the  
20 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30  
21 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of  
22 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"  
23 R.S.54:41-1 et seq. The Director of the Division of Taxation in the  
24 Department of the Treasury shall promulgate such rules and  
25 regulations necessary to effectuate the provisions of this paragraph,  
26 and may provide by regulation for the co-administration of the tax  
27 due on the delivery of alcoholic beverages pursuant to the  
28 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the  
29 administration of the tax due on the sale pursuant to the "Sales and  
30 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

31 A holder of this license who produces not more than 250,000  
32 gallons per year shall not own, either in whole or in part, or hold,  
33 either directly or indirectly, any interest in a winery that produces  
34 more than 250,000 gallons per year.

35 For the purposes of this subsection, "wine" shall include "hard  
36 cider" and "mead" as defined in this section.

37 Cidery and meadery license. 2f. The holder of this license shall  
38 be entitled, subject to rules and regulations, to manufacture hard  
39 cider and mead and to sell and distribute these products to  
40 wholesalers and retailers licensed in accordance with this chapter,  
41 and to sell and distribute without this State to any persons pursuant  
42 to the laws of the places of such sale and distribution, and to  
43 maintain a warehouse. The holder of this license shall be entitled to  
44 sell these products at retail to consumers on the licensed premises  
45 for consumption on or off the premises and to offer samples for  
46 sampling purposes only. The holder of this license shall be  
47 permitted to offer for sale or make the gratuitous offering of  
48 packaged crackers, chips, nuts, and similar snacks to consumers, but



1 shall not operate a restaurant on the licensed premises. The fee for  
2 this license shall be \$938.

3 The holder of this license shall be entitled to manufacture hard  
4 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons  
5 capacity per year. With respect to the sale and distribution of hard  
6 cider to a wholesaler, the licensee shall be subject to the same  
7 statutory and regulatory requirements as a brewer, and hard cider  
8 shall be considered a malt alcoholic beverage, for the purposes of  
9 the "Malt Alcoholic Beverage Practices Act," P.L.2005, c.243  
10 (C.33:1-93.12 et seq.). The holder of this license shall not directly  
11 ship hard cider either within or without this State.

12 The holder of this license shall be entitled to manufacture not  
13 more than 250,000 gallons of mead per year. The holder of this  
14 license may ship not more than 12 cases of mead per year, subject  
15 to regulation, to any person within or without this State over 21  
16 years of age for personal consumption and not for resale. A case of  
17 mead shall not exceed a maximum of nine liters. A copy of the  
18 original invoice shall be available for inspection by persons  
19 authorized to enforce the alcoholic beverage laws of this State for a  
20 minimum period of three years at the licensed premises. As used in  
21 this subsection:

22 "Hard cider" means a fermented alcoholic beverage derived  
23 primarily from apples, pears, apple juice concentrate and water, or  
24 pear juice concentrate and water, which may include spices, herbs,  
25 honey, or other flavoring, and which contains at least one half of  
26 one percent but less than eight and one half percent alcohol by  
27 volume.

28 "Mead" means an alcoholic beverage primarily made from  
29 honey, water, and yeast, and which may contain fruit, fruit juices,  
30 spices, or herbs added before or after fermentation has completed,  
31 except that the ratio of fermentable sugars from fruit or fruit juices  
32 shall not exceed 49 percent of the total fermentable sugars used to  
33 produce mead.

34 "Sampling" means the selling at a nominal charge or the  
35 gratuitous offering of an open container not exceeding four ounces  
36 of hard cider or mead produced on the licensed premises.

37 Plenary distillery license. 3a. The holder of this license shall be  
38 entitled, subject to rules and regulations, to manufacture any  
39 distilled alcoholic beverages and rectify, blend, treat and mix, and  
40 to sell and distribute his products to wholesalers and retailers  
41 licensed in accordance with this chapter, and to sell and distribute  
42 without this State to any persons pursuant to the laws of the places  
43 of such sale and distribution, and to maintain a warehouse. The fee  
44 for this license shall be \$12,500.

45 Limited distillery license. 3b. The holder of this license shall be  
46 entitled, subject to rules and regulations, to manufacture and bottle  
47 any alcoholic beverages distilled from fruit juices and rectify,  
48 blend, treat, mix, compound with wine and add necessary

1     sweetening and flavor to make cordial or liqueur, and to sell and  
2     distribute to wholesalers and retailers licensed in accordance with  
3     this chapter, and to sell and distribute without this State to any  
4     persons pursuant to the laws of the places of such sale and  
5     distribution and to warehouse these products. The fee for this  
6     license shall be \$3,750.

7     Supplementary limited distillery license. 3c. The holder of this  
8     license shall be entitled, subject to rules and regulations, to bottle  
9     and rebottle, in a quantity to be expressed in said license, dependent  
10    upon the following fees, alcoholic beverages distilled from fruit  
11    juices by such holder pursuant to a prior plenary or limited distillery  
12    license, and to sell and distribute his products to wholesalers and  
13    retailers licensed in accordance with this chapter, and to sell and  
14    distribute without this State to any persons pursuant to the laws of  
15    the places of such sale and distribution, and to maintain a  
16    warehouse. The fee for this license shall be graduated as follows:  
17    to so bottle and rebottle not more than 5,000 wine gallons per  
18    annum, \$313; to so bottle and rebottle not more than 10,000 wine  
19    gallons per annum, \$625; to so bottle and rebottle without limit as  
20    to amount, \$1,250.

21    Craft distillery license. 3d. The holder of this license shall be  
22    entitled, subject to rules and regulations, to manufacture not more  
23    than 20,000 gallons of distilled alcoholic beverages, to rectify,  
24    blend, treat and mix distilled alcoholic beverages, to sell and  
25    distribute this product to wholesalers and retailers licensed in  
26    accordance with this chapter, and to sell and distribute without this  
27    State to any persons pursuant to the laws of the places of such sale  
28    and distribution, and to maintain a warehouse. The holder of this  
29    license shall be entitled to sell this product at retail to consumers on  
30    the licensed premises of the distillery for consumption on the  
31    premises, but only in connection with a tour of the distillery, and  
32    for consumption off the premises in a quantity of not more than five  
33    liters per person. In addition, the holder of this license may offer  
34    any person not more than three samples per calendar day for  
35    sampling purposes only. For the purposes of this subsection,  
36    "sampling" means the gratuitous offering of an open container not  
37    exceeding one-half ounce serving of distilled alcoholic beverage  
38    produced on the distillery premises. Nothing in this subsection shall  
39    be deemed to permit the direct shipment of distilled spirits either  
40    within or without this State.

41    The holder of this license shall not sell food or operate a  
42    restaurant on the licensed premises. A holder of this license who  
43    certifies that not less than 51 percent of the raw materials used in  
44    the production of distilled alcoholic beverages under this section are  
45    grown in this State or purchased from providers located in this State  
46    may, consistent with all applicable federal laws and regulations,  
47    label these distilled alcoholic beverages as "New Jersey Distilled."  
48    The fee for this license shall be \$938.

1       Rectifier and blender license. 4. The holder of this license shall  
2 be entitled, subject to rules and regulations, to rectify, blend, treat  
3 and mix distilled alcoholic beverages, and to fortify, blend, and  
4 treat fermented alcoholic beverages, and prepare mixtures of  
5 alcoholic beverages, and to sell and distribute his products to  
6 wholesalers and retailers licensed in accordance with this chapter,  
7 and to sell and distribute without this State to any persons pursuant  
8 to the laws of the places of such sale and distribution, and to  
9 maintain a warehouse. The fee for this license shall be \$7,500.

10       Bonded warehouse bottling license. 5. The holder of this license  
11 shall be entitled, subject to rules and regulations, to bottle alcoholic  
12 beverages in bond on behalf of all persons authorized by federal and  
13 State law and regulations to withdraw alcoholic beverages from  
14 bond. The fee for this license shall be \$625. This license shall be  
15 issued only to persons holding permits to operate Internal Revenue  
16 bonded warehouses pursuant to the laws of the United States.

17       The provisions of section 21 of P.L.2003, c.117 amendatory of  
18 this section shall apply to licenses issued or transferred on or after  
19 July 1, 2003, and to license renewals commencing on or after July  
20 1, 2003.

21 (cf: P.L.2017, c.80, s.1)

22

23       2. This act shall take effect immediately.

24

25

26

## STATEMENT

27

28       This bill revises the acreage requirement for a plenary winery.

29       Under current law, a person is eligible to hold a plenary winery  
30 license if the person is engaged in growing and cultivating grapes or  
31 fruit used in the production of wine on at least three acres of land  
32 on, or adjacent to, the winery premises. Current law also provides  
33 that issuance of a plenary winery license allows a holder to sell  
34 products at retail to consumers at the winery and its retail outlets.

35       This bill permits the operation of wineries that do not meet the  
36 land requirement, but prohibits those wineries from selling their  
37 products at retail. Wineries will retain the right to sell products at  
38 retail under the bill if they grow and cultivate grapes on three acres  
39 situated on or within five miles of the winery premises.